

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 18,074
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying him General Assistance (GA) to obtain permanent housing.

FINDINGS OF FACT

1. The petitioner is a forty-eight-year-old single man who has no dependents but who has a child support obligation of \$50 per month. He is a high school graduate and has had some college. He has worked steadily in the past although he has had many disagreements with his employers and has changed jobs often. He now works part-time for a motel earning about \$150 per week. He has tried, thus far unsuccessfully, to find other more full-time employment.

2. On October 4, 2002, the petitioner was evicted from his apartment by a state court based on a finding that he had violated his lease. He has appealed that eviction to Superior

Court claiming that the landlord assaulted him. The petitioner moved into a motel following his eviction.

3. About two weeks after his eviction, the petitioner went to the PATH office to apply for assistance to obtain permanent housing. Because he had too much income for regular General Assistance, he was considered under PATH's catastrophic situation regulations which helps persons who are evicted from their housing. However, he was denied on that day because it was determined that he had caused his own eviction from his last apartment.

4. The petitioner asked for an expedited hearing and relief but was denied based on the fact that he had not indicated that he could not continue to reside at the motel and because there is a men's shelter available in his community. The matter was set for a regular hearing in two weeks. The petitioner was advised that he could again ask for an expedited hearing and relief if he were without any shelter in the intervening time.

5. The petitioner appeared at his hearing on October 31, 2002 reporting that he had stayed a couple of nights in the men's shelter but that he had subsequently been given an apartment on the motel premises by his employer as part of his employment contract. Although he was not being charged for

his housing and was unsure as to whether his employer might want a security deposit, the petitioner thought he might be entitled to a \$195 "down payment" on the apartment based on his prior conversations with PATH.

6. Based on this information, PATH took the position that the petitioner's application should be denied because he no longer had an emergency need. For that reason, no evidence was taken at the hearing with regard to whether the petitioner had caused his own eviction from his previous housing.

ORDER

The decision of the Department is affirmed.

REASONS

As an able-bodied, employed man under the age of fifty-five who has no dependents, a high school education and a steady work history, the petitioner is only eligible for General Assistance if he is in a "catastrophic situation". W.A.M. 2600B. PATH's regulations include in the definition of "catastrophic situation", a "court-ordered eviction" "due to circumstances over which the applicant had no control". W.A.M. 2602.1. However, the regulations make it clear that even if a catastrophic situation exists, a fact which is not

conceded by PATH in this case, an applicant must have an "emergency need" attributable to that catastrophe. W.A.M. 2602.

The facts have not supported a finding at any step of this process that the petitioner had an "emergency need" for housing assistance. By the time he came to his appeal hearing he clearly had no emergency situation for which he could obtain relief. He was living in an apartment by that time and there was no indication that lack of shelter was an imminent problem for him. The petitioner does not have an entitlement to a particular "down payment" sum in the General Assistance program. He only has a right to obtain whatever relief is essential to meeting his emergency need if he is otherwise qualified under the regulations.

As the petitioner has not demonstrated that he has a current emergency need, it is not necessary to determine if his predicament fell within the meaning of a "catastrophic situation" as defined in the regulations. PATH's decision to deny him assistance must be upheld as consistent with the regulations. 3 V.S.A. § 3091(d) and Fair Hearing Rule 17.

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